



COPY OF PAPERS
ORIGINALLY FILED

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4

In Re the Application of:

DEKKER, A.

Serial No.: 10/081,165

Filed: February 22, 2002

Confirmation No.: 8432

Atty. File No.: 41942-04510

For: "MONITORING PHYSIOLOGICAL
PARAMETERS BASED ON
VARIATIONS IN A
PHOTOPLETHYSMOGRAPHIC
BASELINE SIGNAL"

) Group Art Unit: 3781
)
) Examiner: Not Yet Assigned
)
) SUBMISSION OF MISSING PARTS
)

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>May 14, 2002</u></p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOOTE LLP</p> <p>BY: <u>Bobbie D. Simon</u> Bobbie D. Simon</p>
--

Assistant Commissioner For Patents
Washington, D.C. 20231
BOX MISSING PARTS

Dear Sir:


In response to the Notice to File Missing Parts dated March 13, 2002 in connection with the above-identified application, enclosed herewith please find a Declaration. Please note that the Assignment documents have been submitted to the Assignment Branch under separate cover on this same date. Enclosed herewith is a petition for a one-month extension of time, thereby extending the time period for response from May 13, 2002 to June 13, 2002.

Also enclosed please find a check in the amount of \$1,268.00 which includes payment of the filing fee in the amount of \$1,004.00 reflecting large entity status, the amount of \$130.00 for payment of the surcharge and the amount of \$110.00 for the one month extension of time.

Please credit any overpayment or debit any underpayment to Deposit Account No. 50-1419. A copy of the Notice to File Missing Parts is also enclosed.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Kent A. Fischmann, Esq.
Registration No. 35,511
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720)562-5501

Date: May 14, 2002

Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.
41942-04510

In Re Application Of: **DEKKER, Andre**

COPY OF PAPERS
ORIGINALLY FILED

Serial No.
10/081,165

Filing Date
February 22, 2002

Examiner
Not Yet Assigned

Group Art Unit
3781

Invention: **"MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS
IN A PLETHYSMOGRAPHIC BASELINE SIGNAL"**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
March 13, 2002
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

**Submission of Missing Parts
Petition for Extension of Time
Check No. 2364
Acknowledgment Postcard**

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
41942-04510

In Re Application Of: **DEKKER, Andre**

**COPY OF PAPERS
ORIGINALLY FILED**

Serial No.
10/081,165

Filing Date
February 22, 2002

Examiner
Not Yet Assigned

Group Art Unit
3781

Invention: **MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS
IN A PLETHYSMOGRAPHIC BASELINE SIGNAL"**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

☒ Completion of application fees as calculated below:

☒ Utility application filing fee **\$740.00**

☐ Design application filing fee

☒ Total number of independent claims = **3**

☒ Total number of claims = **36** **\$288.00**

☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees **\$1,158.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: **May 13, 2002** until: **June 13, 2002**
Date Date

Total time extension fees **\$110.00**

Total fees due **\$1,268.00**

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.
41942-04510

In Re Application Of: **DEKKER, Andre**

Serial No.
10/081,165

Filing Date
February 22, 2002

Examiner
Not Yet Assigned

Group Art Unit
3781

Invention: **MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS
IN A PLETHYSMOGRAPHIC BASELINE SIGNAL"**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of **\$1,268.00** is to be paid as follows:

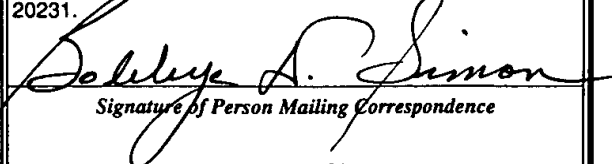
- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **50-1419**
A duplicate copy of this sheet is enclosed.


Signature

Dated: **May 14, 2002**

**Kent A. Fischmann, Esq.
Registration No. 35,511
3151 South Vaughn Way
Suite 411
Aurora, Colorado 80014
(720)562-5501**

I certify that this document and fee is being deposited
on **May 14, 2002** with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.


Signature of Person Mailing Correspondence

Bobbye D. Simon

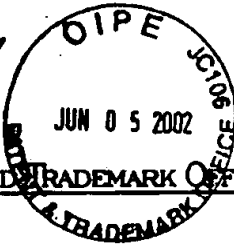
Typed or Printed Name of Person Mailing Correspondence

CC:

BEST AVAILABLE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE



COPY ORIGINAL PAPERS FILED

Page 1 of 1

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/081,165	02/22/2002	Andre Dekker	41942-04510

25231
MARSH, FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY
SUITE 411
AURORA, CO 80014

CONFIRMATION NO. 8432

FORMALITIES LETTER



OC000000007625221

Date Mailed: 03/13/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$288.
 - \$288 for 16 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1158.

*A copy of this notice **MUST** be returned with the reply.*

F. Robinson

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/07/2002 SMINRSS1 00000085 10081165

01 FC:101
02 FC:103
03 FC:105

740.00 GP
288.00 GP
130.00 GP

AMENDMENT TRANSMITTAL LETTER (Large Entity)Applicant(s): **DEKKER, Andreas L.**

Docket No.

41942-04510

Serial No.

10/081,165

Filing Date

February 22, 2003

Examiner

MALLARI, Patricia C.

Group Art Unit

3736

Invention:

**"MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS IN A
PHOTOPLETHYSMOGRAPHIC BASELINE SIGNAL"****TO THE COMMISSIONER FOR PATENTS:**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	43 -	36 =	7 x	\$18.00	\$126.00
INDEP. CLAIMS	4 -	3 =	1 x	\$86.00	\$86.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$212.00

BEST AVAILABLE COPY

- ☐ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☒ A check in the amount of **\$212.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **50-1419**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.

Dated: **October 21, 2003***Signature*

Russell T. Manning, Esq.
Registration No. 51,260
MARSH FISCHMANN & BREYFOGLE LLP
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720)562-5502

I certify that this document and fee is being deposited
on **October 21, 2003** with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

*Signature of Person Mailing Correspondence***Bobbie D. Simon***Typed or Printed Name of Person Mailing Correspondence*

cc: